IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05/09/2003

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THE HONOURABLE MR. JUSTICE P.K. MISRA

WRIT PETITION.NO.10355 OF 1999
and
W.M.P.NOs.14658,14847 OF 1999 & 49346 OF 2002

Annai Sathya Women Teacher
Training Institute,
Periyakumatti,
Chidambaram Taluk,
South Arcot District,
rep. by its Correspondent
Tmt. Sheela Rani. .. Petitioner

-Vs-

1. The National Council for
Teacher Education,
Southern Regional Committee,
rep. by its Regional Director,
Bangalore.

2. The National Council for
Teacher Education,
rep. by its Member-Secretary,
New Delhi 16.

3. The Secretary to Government,
Govt. of Tamilnadu,
Fort St. George, Chennai 9.

4. The Director,
DTRT (Teachers Training),
College Road, Chennai 6.

5. The Director of Govt. Examinations,
Government of Tamilnadu,
College Road, Chennai 6. .. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus as stated therein.

For Petitioner : Mr.P. Rajamanickam

For Respondents 1-2 : Mr.S. Udayakumar, ACGSC

Respondent 3-5 : Mr. Sivashanmuga Sundaram
A.G.P.,

:J U D G M E N T

The petitioner has prayed for issuing writ of Certiorarified Mandamus for quashing the order in F.No.42-16/98-99/NCTE dated 24.5.1999 and for a direction to the respondents to grant recognition to the petitioner institute in accordance with Section 14 of the National Council for Teacher Education Act.

2. The facts giving rise to the present writ petition are as follows :-

The petitioner institute was established in the year 1984. It had temporary recognition from 1984 to 1989. It was granted recognition by the Government on 8.1.1992 by G.O.Ms.No.2(D) 6, Education (UI). However, such order relating to recognition was quashed by the High Court by order dated 30.6.1993 in W.P.No.9494/1992. It was observed by the High Court that If the institute had fulfilled all the requirements of the G.O. subsequent to the inspection report dated 13.12.1991 , it is open to the institute to make appropriate representation to the Government. Accordingly, a further representation was made. However, by order dated 4.10.1994, the State Government refused to grant recognition on the ground that the institute had not complied with the conditions prescribed in G.O.Ms.No.535/536 dated 17.5.1989. The petitioner filed W.P.No.5022 of 1995 challenging the order of the Government. While the aforesaid writ petition was pending, the National Council for Teacher Education Act,1993 (hereinafter called as the Act) came into force. Subsequently, an application was filed before the National Council for Teacher Education, Southern Regional Committee, for recognition indicating that the petitioner institute was an existing institution. In the meantime, W.P.No.5022 of 1995 was disposed of by the High Court with an observation that the present respondent No.1 alone has jurisdiction to decide the question of recognition as the National Council for Teacher Education Act has come into force. Writ Appeal No.624 of 1997 filed against the said order was disposed of with the observation that the application of the petitioner should be considered afresh after affording opportunity of hearing without taking into consideration the order dated 4.10.1994. Thereafter, the first respondent issued a notice to the petitioner indicating that no objection certificate is required from the State Government for considering the application for recognition. The petitioner, however, replied that no objection certificate is not necessary as the institute was an existing institution within the meaning of Section 1 4 of the Act. Thereafter, the first respondent passed the impugned order dated 24.5.1999 holding that no recognition could be given unless no objection certificate is obtained from the State Government. The aforesaid order is being impugned in the present

writ petition.

3. It is the contention of the petitioner that the institute is an existing institution, and therefore, the first respondent should not have insisted upon the no objection certificate from the State Government. It has been further contended that the case of the petitioner is similar to the cases of Rosammal Memorial Minorities Teachers Institute for Women and St. Stephen Teacher Training Institute and the Division Bench of the High Court had given a direction to consider the case of Rosammal Memorial Minorities Teachers Institute for Women as an existing institution as apparent from the order passed by the Division Bench in W.A.Nos.1100 & 1212 of 1995. It has been further indicated that such order of the Division Bench was also made applicable to St. Stephen Teacher Training Institute in W.A.Nos.152 & 169 of 1996.

4. A counter affidavit has been filed on behalf of the respondents stating that the petitioner institute cannot be considered as an existing institution and without obtaining no objection certificate from the State Government, recognition cannot be granted.

5. Analysis of the relevant factors relating to Rosammal Memorial Minorities Teachers Institute for Women indicates that temporary recognition in respect of the said institute was quashed in W.P.No.9494/92 . Pursuant to the aforesaid decision, recognition was withdrawn on 2 7.1.1994. W.P.No.7283 of 1994 was filed against such order. During pendency of such writ petition, the National Council for Teacher Education Act came into force. W.P.No.7283 of 1994 was disposed of on 12 .9.1995. In these circumstances, it was observed in Writ Appeal Nos.1100 & 1212 of 1995 that the institute was an existing institution and direction was given to the present respondent No.1 to consider the case of recognition relating to the said institute as if it was an existing institution.

6. So far as St. Stephen Teacher Training Institute is concerned, it is found that pursuant to the order passed in W.P.No.9494 of 1992, recognition was withdrawn on 18.4.1994 and W.P.No.16975 of 1995 was filed. Ultimately, in W.A.Nos.152 & 169 of 1996, the Division bench followed the earlier order in W.A.Nos.1100 & 1212 of 1995 and the institute was considered to be an existing institution.
In respect of the petitioner institute, pursuant to the order passed in W.P.No.9494 of 1992, actual withdrawal was on 4.10.1994. W.P.No.5022 of 1995 was dismissed on 8.7.1996 and thereafter in W.A.No.624 of 1997, it was observed that the respondent No.1 should consider the question of recognition afresh without taking into consideration the previous order dated 4.10.1994.

7. On a careful consideration of these aspects, I find no difference in the factual scenario so far as the present institute is concerned as compared with other two institutes, namely, Rosammal Memorial Minorities Teachers Institute for Women and St. Stephen Teacher Training Institute.

8. Learned counsel for the respondents, however,contended that so far as St. Stephen Teacher Training Institute is concerned, by virtue of the interim stay order, the institute was continuing, and therefore, it was considered as an existing institution. Even though there may be some truth in the said contention, it seems that there was no such stay order so far as Rosammal Memorial Minorities Teachers Institute for Women was concerned and yet it was held that such institute was an existing institution.

9. Having regard to the facts and circumstances of the case and keeping in view the relevant circumstances as applicable to Rosammal Memorial Minorities Teachers Institute for Women and St. Stephen Teacher Training Institute, I am of the opinion that the application of the present petitioner is also required to be considered in the light of the observations made in W.A.Nos.1100 & 1212 of 1995 which has been followed in W.A.Nos.152 & 169 of 1996. The respondent No.1 was not justified in insisting upon the □no objection certificate□ in respect of the petitioner institute. Accordingly, the impugned order passed by the second respondent dated 24.5.1999 is quashed and the respondent No.1 is directed to reconsider the matter keeping in view the observations made in W.A.Nos.1100 & 1212 of 1995 as well as W.A.Nos.152 & 169 of 1996 by treating the petitioner institute as an existing institution. The matter may be decided afresh within a period of six weeks from the date of communication of the present order.

10. With the above directions, the writ petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Index : Yes
Internet : Yes

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